

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	M.B.D. Case No. 19-MC-91185
)	
MATTHEW MURPHY,)	
Defendant)	

MOTION FOR ENDS-OF-JUSTICE CONTINUANCE
OF TIME FOR FILING AN INDICTMENT OR INFORMATION,
AND EXCLUSION OF TIME, UNDER THE SPEEDY TRIAL ACT

The United States of America, by and through Assistant United States Attorney Anne Paruti, respectfully moves this Court to grant a continuance of the time within which an indictment or information must be filed, and exclude the time period from May 1, 2019, through and including June 21, 2019, from the speedy trial clock, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), on the ground that the ends of justice served by granting the requested continuance and excluding these periods outweigh the best interests of the public and the defendant in a speedy trial. The government further asks this Court to issue the attached proposed *Order of Continuance and Excludable Delay*. In support of this request, which counsel for the defendant assents to, the government states as follows:

1. On March 26, 2019, the defendant was arrested and charged by criminal complaint in United States v. Matthew Murphy, No. 19-MJ-5060-JGD. Following a detention hearing on March 27, 2019, the magistrate judge (Dein, USMJ) issued an order of detention on April 1, 2019. Representatives of the Clerk's Office for the District of Massachusetts thereafter alerted the United States Attorney's Office for the District of Massachusetts of a conflict with the District of Massachusetts court staff, and on May 6, 2019, the Chief Judge for the District of Massachusetts

issued an order pursuant to 28 U.S.C. § 636(f) designating District of New Hampshire USMJ Andrea Johnstone to preside over this case.

2. The parties have been engaged in preliminary discussions regarding the possible resolution of this matter that might result in an agreed disposition and obviate the need for an indictment.

3. The requested exclusion of time will permit defense counsel to adequately confer with the defendant, gather information for the Assistant United States Attorney, and allow the parties to further discuss and finalize the terms of any agreement, before the government is required to seek an indictment. Such an agreement, in conjunction with a pre-indictment plea, may work to the defendant's benefit.

4. The parties agree that, if the requested time is excluded, the government has until **June 21, 2019** to return an indictment in this case. No previous extensions have been requested.

5. The defendant is currently being held in custody on the basis of the complaint.

6. A proposed order is attached.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: /s/ Anne Paruti
Anne Paruti
Assistant U.S. Attorney

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and email copies will be sent to those indicated as non-registered participants.

By: /s/ Anne Paruti_____
ANNE PARUTI
Assistant U.S. Attorney

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ORDER OF CONTINUANCE AND EXCLUDABLE DELAY

Upon consideration of the assented-to motion seeking an order of continuance and excludable delay, the Court finds as follows:

1. The defendant has been charged by criminal complaint in United States v. Matthew Murphy, No. 19-MJ-5060-JGD. The parties have been engaged in preliminary discussions regarding the possible resolution of this matter, which may result in a plea agreement and obviate the need for an indictment, and the requested continuance of the time in which an indictment or information must be filed will permit defense counsel to adequately confer with the defendant, provide information to the Assistant United States Attorney, and allow the parties to further discuss and finalize the terms of any agreement, before the government is required to seek an indictment or information. Such an agreement, in conjunction with a pre-indictment plea, may work to the defendant's benefit or assist the government's ongoing investigation.

2. Accordingly, the ends of justice served by granting the requested continuance, and excluding the time period from May 1, 2019 through and including June 21, 2019 from the speedy trial clock, outweigh the best interests of the public and the defendant in a speedy trial pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A).

Accordingly, the Court hereby grants the assented-to motion and **ORDERS** that, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A): (1) the date on which an indictment or information must be filed is continued to June 21, 2019; and (2) the period from May 1, 2019 through and including June 21, 2019 is excluded from the speedy trial clock and from the time within which an indictment or information must be filed.

HONORABLE
UNITED STATES DISTRICT JUDGE